

BILL ANALYSIS

H.B. 1173
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Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Fraudulent or substandard degrees have become an escalating problem. While many other states have addressed the problem, Texas has not. To ensure that we have quality institutions, the accrediting process should be controlled by the Texas Higher Education Coordinating Board. Set standards for degrees are necessary to ensure that schools provide quality education. While some individuals were duped into believing that the degree that they have received is legitimate, others knowingly purchased and used fraudulent degrees for their own gain. Both of these situations need to be addressed for the protection of our citizens.

HB 1173 establishes that knowingly offering, receiving, or using a degree for personal gain that is fraudulent or substandard is illegal and provides criminal penalties. HB 1173 states that the violation of this Act falls under the Deceptive Trade Practices Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 2 (Section 61.3021, Education Code) of this bill.

ANALYSIS

SECTION 1. Provides for the definition of "Fraudulent or substandard degree."

SECTION 2. Directs the Coordinating Board to establish, by rule, a process to review, approve, and provide a determination concerning a degree conferred by a person described by Section 61.302 (11) (B) or (C). Allows for a fee to be charged for the cost of conducting the review.

SECTION 3. Defines the commission of offenses related to degrees and states that it is a Class A misdemeanor. Provides that the prosecution of the offense is authorized in the county in which the offense occurred or Travis County. Makes conforming changes.

SECTION 4. Defines the commission of offenses related to honorary degrees and states that it is a Class A misdemeanor. Provides that the prosecution of the offense is authorized in the county in which the offense occurred or Travis County. Makes conforming changes.

SECTION 5. Makes conforming changes.

SECTION 6. States that it is a Class A misdemeanor offense if a person uses a term that is in violation of this Act or knowingly solicits another person to seek a degree from an institution who uses a term that is in violation of this section. Provides that the prosecution of the offense is authorized in the county in which the offense occurred or Travis County.

SECTION 7. States that a person who violates this subchapter is in violation of the Deceptive Trade Practices Act. States that in order to protect the public from institutions who offer fraudulent, substandard, or fictitious degrees, the Coordinating Board shall, to the best of their knowledge, publicize on the Coordinating Board's Internet website the names of accredited and approved institutions, names of institutions that are in violation of this subchapter, and any information considered by the commissioner to be relevant, to protect the public from fraudulent, substandard, or fictitious degrees.

SECTION 8. Defines the commission of offenses in the Penal Code and states that a person commits a Class B misdemeanor offense if they knowingly use or claim to hold a degree that is fraudulent or substandard, fictitious, has not been granted to them, or has been revoked. The offense may be prosecuted under the provisions in this section or other law in which the offense violates.

SECTION 9. Amends the Code of Criminal Procedure to make conforming changes concerning the location of the prosecution of the offense.

SECTION 10. Effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2005.